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22 UNITED STATES DISTRICT COURT
23 DISTRICT OF NEVADA

24 Cung Le, Nathan Quarry, Jon Fitch, Brandon
25 Vera, Luis Javier Vazquez, and Kyle Kingsbury
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DEFENDANT ZUFFA, LLC'S
MOTION FOR LEAVE TO FILE
SUPPLEMENTAL AUTHORITY
REGARDING ZUFFA'S
MOTIONS TO SEAL ZUFFA'S
SUMMARY JUDGMENT
MOTION (ECF NO. 577) AND
PORTIONS OF PLAINTIFFS'
CLASS CERTIFICATION REPLY
(ECF NO. 558)**

NOTICE OF MOTION AND MOTION

Defendant Zuffa, LLC (“Zuffa”) hereby moves pursuant to Local Rule 7-2(g) for leave to file a Notice of Supplemental Authority Regarding Zuffa’s Motion to Seal Zuffa’s Motion for Summary Judgment and Related Materials (ECF No. 577) (“Motion to Seal MSJ”) and Zuffa’s Motion to Seal Portions of Plaintiffs’ Reply in Support of Plaintiffs’ Motion for Class Certification and Related Materials (ECF No. 558) (“Motion to Seal Class Certification Reply”). This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities below, the attached exhibit, the entire record in this action, and other such matters and argument as may be presented to the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

Zuffa seeks leave to file the August 20, 2018 Order of Magistrate Judge Carl W. Hoffman, Jr. of the District of Nevada as a supplemental authority to its sealing motions. ECF Nos. 558, 577. Judge Hoffman’s August 20, 2018 Order held that in a litigation between Zuffa and a UFC athlete, Zuffa’s agreements with that athlete filed in connection with a dispositive motion were properly filed under seal under the Ninth Circuit’s compelling reasons standard. *Hunt v. Zuffa*, Case No. 2:17-cv-00085-JAD-CWH, Hunt ECF No. 140 at 1 (citing *Kamanaka v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)). Judge Hoffman’s Order is attached as Exhibit A.

Plaintiffs have twice relied on an earlier ruling on a sealing motion in the *Hunt v. Zuffa* matter as part of their claim that Zuffa’s Promotional and Ancillary Rights Agreements, Bout Agreements, and Letters of Agreement (collectively, “Agreements”) are not properly filed under seal. First, Plaintiffs filed a motion for leave to file supplemental authority in support of their opposition to Zuffa’s Motion to Seal the Class Certification Reply. ECF No. 571. In that filing, Plaintiffs referenced an earlier ruling by Judge Hoffman in the *Hunt* matter which denied Zuffa’s sealing motion without prejudice because the sealing motion had relied on an incorrect legal standard for sealing documents in relation to a dispositive motion. Second, in their Opposition to Zuffa’s Motion to Seal portions of the Motion for Summary Judgment and related exhibits, Plaintiffs asserted that in the *Hunt* matter Zuffa had not met its burden under the compelling reasons standard to seal the Agreements. ECF No. 581 at 14. Plaintiffs did not mention that Judge Hoffman’s order

1 denying Zuffa's motion to seal was without prejudice and that Zuffa had filed a renewed motion to
2 seal that was pending at the time of Plaintiffs' Opposition.

3 Judge Hoffman's August 20, 2018 Order is a final order holding that Zuffa's Agreements
4 filed as exhibits to a dispositive motion meet the Ninth Circuit's compelling reasons standard for
5 sealing. Hunt ECF No. 140 at 1. This contradicts Plaintiffs' assertions that the *Hunt* matter supports
6 their position that Zuffa's Agreements are not properly filed under seal in this case, whether under
7 the compelling reasons or good cause standard.

8 Zuffa's proposed Notice of Supplemental Authority complies with the guidelines set forth in
9 *F.D.I.C. v. Johnson*, 2014 WL 5324057, at *2 (D. Nev. Oct. 17, 2014) ("Such notice will include the
10 relevant citation, with the full text of the opinion appended. The body of the notice will be no longer
11 than three pages, explaining briefly how it relates to the pleadings or motions currently before the
12 Court").

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1 Dated: August 29, 2018
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4 BOIES SCHILLER FLEXNER LLP

5 By: /s/ Stacey K. Grigsby

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Defendant Zuffa, LLC's Motion for Leave to File Supplemental Authority Regarding Zuffa's Motions to Seal Zuffa's Summary Judgment Motion (ECF No. 577) and Portions of Plaintiffs' Class Certification Reply (ECF No. 558)** was served on August 29, 2018 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Dale Pedrick

Dale Pedrick